

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated March 18, 2008. Claims 1, 9, 11, 16, 20, 26 and 37 have been amended for clarity. Claims 24, 25, 27 to 30, 31 to 36 and 43 to 45 stand previously cancelled. Claims 8 and 46 to 48 stand allowed. No new matter has been added by any of these amendments.

A Supplemental Information Disclosure Statement and a Petition for a One-Month Extension of Time are submitted herewith. Please charge deposit account 02-1818 for any fees which are due in connection with this Supplemental Information Disclosure Statement, this Extension of Time and this Response.

Page 2 of the Office Action stated:

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does teach or suggest the transformation of a flanking symbols into convertible symbols and vise versa between subsequent game plays.

Applicant respectfully submits that the Examiner appears to have intended to say that "The prior art of record does not teach or suggest the transformation of flanking symbols into convertible symbols and vise versa between subsequent game plays."

The Office Action further stated:

Claims 1-11, 13-23, 26, 37-42, and 46-48, define a symbol transformation arrangement that includes a subset of a generic wild symbol transformation game however, these claims fail to preclude the remainder of a generic wild symbol transformation. For instance while the claims establish the transformation of a convertible symbol when flanked by two flanking symbols the transformation of the convertible symbol the claim language does not positively recite any claim limitations that would prohibit other symbol arrangements from effecting the transformation of the convertible symbol.

Additionally the presentation of a flanking symbol and a non-convertible symbol are not presented by the applicant in such manner that these symbols would be exclusive to one another. Accordingly the flanking symbols and non-convertible symbols are understood to include symbols that serve as both flanking and non-convertible symbols.

Applicant respectfully disagrees with this interpretation. Nevertheless, to expedite prosecution of the present patent application, Applicant has amended certain of the claims for clarity.

The Office Action rejected Claim 4 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Office Action states that “it is unclear what the applicant is attempting to describe or encompass through the presentation of a convertible symbol between one flanking symbol”. Applicant respectfully disagrees with this rejection and submits that the convertible symbol in Claim 4 is between at least one of the associated flanking symbols. The gaming device of amended Claim 4 includes the gaming device of Claim 3, wherein the processor is configured to cause the generated convertible symbol to change to the associated flanking symbol if the convertible symbol is between at least one of the associated flanking symbols. The gaming device of Claim 3 includes the gaming device of Claim 2, wherein at least one of the flanking symbols is associated with one of the convertible symbols. The gaming device of Claim 2 includes the gaming device of Claim 1, wherein a plurality of the symbols are convertible. That is, the gaming device of amended Claim 4 includes, amongst other elements, at least one flanking symbol that is associated with one of the convertible symbols, and when the convertible symbol is between at least one of the associated flanking symbols, the convertible symbol changes to the associated flanking symbol. Accordingly, for at least these reasons, Applicant submits that the 35 U.S.C. §112, second paragraph rejections should be withdrawn.

The Office Action rejected Claims 1 to 7, 9, 11, 13 to 23, 26, 37, and 41 to 42 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,311,976 to Yoseloff et al. (“Yoseloff”).

Yoseloff discloses a wagering game including:

special wild symbols the may also appear in the play of the game. The special wild symbols are capable of morphing into another game symbol (column 6, lines 65-67 and column 7, line 1)...A single morphing wild symbol according to the invention can change into multiple symbol types in a single round of play (column 10, lines 26-28)...When certain combinations or numbers of Bulls or combinations or numbers of Bear in combination with a morphing Bull/Bear symbol appear on the display, the Bull/Bear symbol morphs into either the Bull, Bear or both symbols, and then back to the Bull/Bear symbol. The symbol will morph whenever its

transformation into a Bull or Bear or both will produce a payout (column 11, lines 29-35).

Amended independent Claim 1 is generally directed to a gaming device including, amongst other elements, a display device configured to display a plurality of reels, and a plurality of symbols on the reels, wherein at least two of the symbols are flanking symbols, at least one of the symbols is a convertible symbol, at least one of the symbols is a flanking/convertible symbol, and at least one of the symbols is a non-convertible symbol. The gaming device of amended independent Claim 1 also includes a processor configured to operate with the display device to change the convertible symbol to one of the flanking symbols if the convertible symbol is generated on an active payline associated with one of the reels which is directly between two flanking symbols generated on the active payline associated with two of the reels. If the flanking/convertible symbol is generated on the active payline associated with one of the reels which is directly between two flanking symbols generated on the active payline associated with two of the reels, the processor is configured to designate the flanking/convertible symbol as one of the convertible symbols, and change the designated convertible symbol to one of the flanking symbols. If the flanking/convertible symbol is generated on the active payline associated with one of the reels which directly flanks one of the at least one convertible symbols generated on the active payline associated with one of the reels, and the convertible symbol is additionally flanked by one of the flanking symbols, the processor is configured to designate the flanking/convertible symbol as one of the flanking symbols, and change the convertible symbol to one of the flanking symbols.

Applicant submits that Yoseloff does not anticipate any flanking/convertible symbols. Specifically, Yoseloff does not anticipate a flanking/convertible symbol, wherein if the flanking/convertible symbol is generated on the active payline associated with one of the reels which is directly between two flanking symbols generated on the active payline associated with two of the reels, the processor is configured to designate the flanking/convertible symbol as one of the convertible symbols, and change the designated convertible symbol to one of the flanking symbols. Further, Yoseloff does not anticipate a flanking convertible symbol, wherein if the flanking/convertible symbol is

generated on the active payline associated with one of the reels which directly flanks one of the at least one convertible symbols generated on the active payline associated with one of the reels, and the convertible symbol is additionally flanked by one of the flanking symbols, the processor is configured to designate the flanking/convertible symbol as one of the flanking symbols, and change the convertible symbol to one of the flanking symbols. That is, Yoseloff includes wild symbols and non-wild symbols, however, Yoseloff does not anticipate any symbol that conditionally functions as a wild symbol and also conditionally functions as a symbol that must be in a combination to cause a wild symbol to function as a wild symbol. In other words, Applicant submits that a single morphing wild symbol is patentably different than a flanking/convertible symbol. On the other hand, the gaming device of amended independent Claim 1 includes, amongst other elements, if the flanking/convertible symbol is generated on the active payline associated with one of the reels which is directly between two flanking symbols generated on the active payline associated with two of the reels, the processor is configured to designate the flanking/convertible symbol as one of the convertible symbols, and change the designated convertible symbol to one of the flanking symbols. If the flanking/convertible symbol is generated on the active payline associated with one of the reels which directly flanks one of the at least one convertible symbols generated on the active payline associated with one of the reels, and the convertible symbol is additionally flanked by one of the flanking symbols, the processor is configured to designate the flanking/convertible symbol as one of the flanking symbols, and change the convertible symbol to one of the flanking symbols. For at least these reasons, applicant submits that amended independent Claim 1 is patentably distinguished over Yoseloff and is in condition for allowance.

Amended independent Claims 11, 20, 26, and 37 each include certain similar elements to amended independent Claim 1. For reasons similar to those discussed above with respect to amended independent Claim 1, amended independent Claims 11, 20, 26, and 37 (and dependent Claims 2 to 7, 12 to 15, 21 to 23, and 38 to 42) are each patentably distinguished over Yoseloff and are in condition for allowance.

Amended independent Claim 9 is generally directed to a gaming device including a display device configured to display a plurality of reels, and a plurality of symbols on the reels, wherein at least one of the symbols is a flanking symbol, at least one of the symbols is a convertible symbol, at least one of the symbols is a non-convertible symbol, and at least two of the symbols are flanking/convertible symbols. For the gaming device of amended independent Claim 9, upon a first play of a game, one of the flanking/convertible symbols functions as a convertible symbol and one of the flanking/convertible symbols functions as a flanking symbol, and upon a second play of the game, the flanking/convertible symbol which functioned as the convertible symbol for the first play of the game functions as the flanking symbol for the second play of the game and the flanking/convertible symbol which functioned as the flanking symbol for the first play of the game functions as the convertible symbol for the second play of the game.

As described above with respect to amended independent Claim 1, Yoseloff does not anticipate any flanking/convertible symbols. Moreover, Yoseloff does not anticipate upon a first play of a game, one of the flanking/convertible symbols functions as a convertible symbol and one of the flanking/convertible symbols functions as a flanking symbol, and upon a second play of the game, the flanking/convertible symbol which functioned as the convertible symbol for the first play of the game functions as the flanking symbol for the second play of the game and the flanking/convertible symbol which functioned as the flanking symbol for the first play of the game functions as the convertible symbol for the second play of the game. Applicant submits that amended independent Claim 9 includes certain similar elements to amended independent Claim 1 and also certain similar elements to allowed independent Claim 8. For at least these reasons, amended independent Claim 9 is patentably distinguished over Yoseloff and is in condition for allowance.

Amended independent Claim 16 is generally directed toward a gaming device including a display device configured to display a plurality of reels, and a plurality of symbols on the reels, wherein at least two of the symbols are flanking symbols, at least one of the symbols is a convertible symbol, at least one of the symbols is a

flanking/convertible symbol, and at least one of the symbols is a non-convertible symbol, wherein the flanking/convertible symbols is associated with at least one of the flanking symbols. The gaming device of amended independent Claim 16 also includes a processor configured to operate with the display device to if the flanking/convertible symbol is generated on an active payline associated with one of the reels which is directly between two of the flanking symbols generated on the active payline associated with two of the reels, and the generated flanking/convertible symbol is associated with at least one of the flanking symbols which the flanking/convertible symbol is directly between, designate the flanking/convertible symbol as one of the convertible symbols, change the designated convertible symbol to one of the flanking symbols. If the flanking/convertible symbol is generated on the active payline associated with one of the reels which is directly between two of the flanking symbols generated on the active payline associated with two of the reels and the generated flanking/convertible symbol is not associated with at least one of the flanking symbols which the flanking/convertible symbol is directly between, the processor is configured to not designate the flanking/convertible symbol to one of the flanking symbols. If the flanking/convertible symbol is generated on the active payline associated with one of the reels which directly flanks one of the at least one convertible symbols generated on the active payline associated with one of the reels, and the convertible symbol is additionally flanked by one of the flanking symbols, the processor is configured to designate the flanking/convertible symbol as one of the flanking symbol, and change the convertible symbol to one of the flanking symbols.

As described above with respect to amended independent Claim 1, Yoseloff does not anticipate any flanking/convertible symbols. Further, Yoseloff does not anticipate if the flanking/convertible symbol is generated on an active payline associated with one of the reels which is directly between two of the flanking symbols generated on the active payline associated with two of the reels, and the generated flanking/convertible symbol is associated with at least one of the flanking symbols which the flanking/convertible symbol is directly between, designate the flanking/convertible symbol as one of the convertible symbols, change the designated convertible symbol to

one of the flanking symbols. Still further, Yoseloff does not anticipate if the flanking/convertible symbol is generated on the active payline associated with one of the reels which is directly between two of the flanking symbols generated on the active payline associated with two of the reels and the generated flanking/convertible symbol is not associated with at least one of the flanking symbols which the flanking/convertible symbol is directly between, the processor is configured to not designate the flanking/convertible symbol to one of the flanking symbols. Still further, Yoseloff does not anticipate if the flanking/convertible symbol is generated on the active payline associated with one of the reels which directly flanks one of the at least one convertible symbols generated on the active payline associated with one of the reels, and the convertible symbol is additionally flanked by one of the flanking symbols, the processor is configured to designate the flanking/convertible symbol as one of the flanking symbol, and change the convertible symbol to one of the flanking symbols. For at least these reasons, applicant submits that amended independent Claim 16 is patentably distinguished over Yoseloff and is in condition for allowance.

Applicant submits that Claims 17 to 19 depend directly or indirectly from amended independent Claim 16 and are also allowable for the reasons given with respect to amended independent Claim 16 and because of the additional features recited in these claims.

The Office Action rejected Claims 10, 12, and 38 to 40 under 35 U.S.C. §103(a) as being unpatentable over issued U.S. Patent No. 6,311,976 to Yoseloff et al. ("Yoseloff"), and in view of U.S. Patent No. 6,604,740 to Singer et al. ("Singer"). Applicant respectfully disagrees with these rejections.

Singer discloses:

A slot machine enables a player to select one or more symbols as wild symbols ("Select-A-Wild"). In one embodiment, the game displays three spin buttons. Each spin button is permanently associated with a symbol. All of the associated symbols have matching symbols on the reel strips.

Amended Claim 10 is directed toward the gaming device of amended independent Claim 9, wherein the processor is configured to enable the player to

designate the flanking/convertible symbol as a flanking symbol, a convertible symbol or both.

Page 6 of the Office Action states:

The invention of Yoseloff teaches the invention as taught above however is silent regarding the inclusion of a player designation of symbol type, however in a related game including a wild symbol Singer teaches allowing the player to designate which symbols are and are not treated as wild symbols

Applicant respectfully disagrees with this rejection and submits that, unlike the gaming device of amended Claim 10, the gaming device resulting from the combination of Yoseloff and Singer does not anticipate or render obvious enabling the player to designate the flanking/convertible symbol as a flanking symbol, a convertible symbol or both. On the other hand, the gaming device of amended Claim 10 includes, amongst other elements, a processor configured to enable the player to designate the flanking/convertible symbol as a flanking symbol, a convertible symbol or both. Further, Applicant submits that enabling a player to designate the flanking/convertible symbol as a flanking symbols, a convertible symbol or both as disclosed by amended Claim 10 is patentably different than the designation of a wild symbol as disclosed by Singer. Therefore, neither Yoseloff nor Singer individually, nor the combination of Yoseloff and Singer render obvious enabling a player to designate the flanking/convertible symbol as a flanking symbol, a convertible symbol or both. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Yoseloff and Singer to result in such a gaming device without reasonably being construed as improper hindsight reconstruction. For at least these reasons, applicant submits that amended Claim 10 is patentably distinguished over Yoseloff and is in condition for allowance.


Amended Claim 12 and Claims 38 to 40 include certain similar elements to amended Claim 10. For reasons similar to those discussed above with respect to amended Claim 10, amended Claim 12 and Claims 38 to 40 are each patentably distinguished over Yoseloff and Singer and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously

solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

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